IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 17077 of 2004

Between:

C. Malini, W/o Gopal, Occ: Fair Price Shop Dealer
R/o Appecherla Village, Peddavadugur Mandal, Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector, Ananthapur , Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur , Ananthapur District.
3 The Mandal Revenue Officer, Peddavaduguru, Ananthapur District.
4 C. Keshava Reddy, R/o Appacherla Village, Peddavaduguru Mandal,

Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent in D.Dis.No.K4/ATP/876/2004, dated 17-9-2004 and the proceedings of the 2nd respondent in Rc.No.D1/CS/846/2004, dated 24-7-2004 as illegal, arbitrary and without jurisdiction and consequently set aside the same and direct the respondents to permit the petitioner to continue as Fair Price Shop Dealer of Appecherla Village, Peddavadugur Mandal, Ananthapur District.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: MR.K.SRINIVAS, CAVEATOR

The Court at the admission stage made the following:

ORDER:

Petitioner is the authorised dealer in respect of the Fair Price Shop of Appacherla village, Peddavadugur Mandal, Ananthapur District. The Revenue Divisional Officer, Ananthapur, issued notice dated 12.07.2004 calling upon the petitioner to explain certain allegations specified thereunder. The petitioner submitted her explanation on 19.07.2004. Thereafter, the Revenue Divisional Officer by order dated 24.07.2004 suspended the authorisation pending enquiry observing that the explanation is without any evidence and therefore it is necessary for the dealer to face the disciplinary action. Aggrieved by the said order, the petitioner preferred an appeal before the Joint Collector, Ananthapur. It is not in dispute that during the pendency of the said appeal, by virtue of the orders of this Court in W.P.Nos.13286 and 14156 of 2004, the petitioner has been allowed to distribute the essential commodities to the cardholders. Now, the Joint Collector passed an order on 17.09.2004 disposing of the main appeal holding that since the case is pending before the Revenue Divisional Officer for further enquiry, there is no reason to interfere with the order of suspension dated 24.07.2004 and accordingly directing the Revenue Divisional Officer to take up the disciplinary proceedings expeditiously and dispose of the case at an early date. The said order dated 17.09.2004, is under challenge in this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents

1 to 3.

The learned counsel for the petitioner vehemently contended that all the allegations made against the petitioner are false and without any basis and particularly since the allegations are trivial in nature, the suspension of the authorisation, pending enquiry, is not warranted.

On the face it, the impugned order dated 17.09.2004 appears to be unsustainable since the first respondent failed to take into consideration any one of the contentions raised by the petitioner and disposed of the appeal mechanically without going into the question whether in the facts and circumstances of the case, the suspension of the authorisation is warranted. He also failed to assign any reasons in support of his conclusion. Even the contention raised by the petitioner that the report of the Mandal Revenue Officer, Peddavadugur, dated 07.07.2004, which forms basis for the impugned order of suspension, was not furnished to her and thus the impugned order was in violation of principles of natural justice, has not been considered by the first respondent. However, I am of the view that no purpose will be served by remitting the matter back to the first respondent for consideration afresh since the enquiry initiated against the petitioner is still pending with the Revenue Divisional Officer. Instead, I deem it appropriate to direct that the enquiry itself be completed expeditiously.

In the circumstances, the writ petition is disposed of with a direction to the second respondent to furnish a copy of the report of the Mandal Revenue Officer, Peddavadugur, dated 07.07.2004, to the petitioner within a period of one week from the date of receipt of a copy of this order. It is open to the petitioner to submit further explanation together with the material, if any, to support her case within a period of one week thereafter. On receipt of such explanation, the second respondent shall complete the enquiry and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of such explanation from the petitioner.

Keeping in view the fact that during the pendency of the appeal, the petitioner has distributed the commodities for the months of August and September, 2004, there shall be a further direction to the respondents to permit the petitioner to distribute the commodities to the cardholders for the month of October, 2004.

Accordingly, the writ petition is disposed of. No costs.

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23.09.2004

VGB

To

1 The Joint Collector, Ananthapur , Ananthapur District.
2 The Revenue Divisional Officer, Ananthapur , Ananthapur District.
3 The Mandal Revenue Officer, Peddavaduguru, Ananthapur District.

4 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

5 2CD copies